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In The

Supreme Court of the United States

October Term, 1996

Julia McCain Lampkin Asam, Ph.D.,J.D.
Petitioner

v.

Robert W. Norris, Officially,
and Individually, Alabama
State Bar et al.
Respondents

WRIT OF CERTIORARI
FROM SUPREME COURT OF ALABAMA

WRIT OF CERTIORARI

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49 pp

QUESTIONS PRESENTED

I. Whether the Supreme Court of Alabama violated the due proces, both procedurally and substantively, and liberty rights of Dr. Asam's constitutional rights under the 5th and 14th amendments of the U.S. Constitution by the Supreme Court of Alabama affirming the summary judgment below when the lower court Judge Gordon, failed to rule according to the elements of summary judgment [law cited below] when Robert Norris was running a "surprised sanity hearing" under the disguise of a Disciplinary Hearing of the Alabama State Bar, without notice of the sanity hearing, without appointing an attorney for Dr. Asam, without appointing an "guardian ad litem', and without having an expert witness as a M.D. psychiatrist to examine and declare Dr. Asam incompetent and/or mentally incapacitated, Robert Norris, General Counsel of the Alabama State Bar, [Norris resigned after the hearing] had written 5 formal complaints that Asam was incompetent and because she was incompetent this was misconduct to disbar; however, Norris failed to give Dr. Asam the original complaints before the hearing and later these original complaints were found out not to be related to Mr. Norris fabricated 5 formal charges. [See 95-1895 that was in this court

that gave details of 1950912 in the Supreme Court of Alabama, Asam v. Alabama State Bar]. [Also see 96-478 and 96-448 for further details, as well as the Asam v. Devereaux recently sent to the Supreme Court of the United States].

II. Whether the Supreme Court of Alabama violated Dr. Asam's due process rights by affirming the summary judgment when Robert Norris also violated the equal protection rights of Dr. Asam because of Norris with his evil-minded lawyer friends [see 96-478 for details of how Dr. Asam's rights were violated by conspiracy with Norris and his lawyer friends],formed a conspiracy because of gender animus discrimination towards Dr. Asam, that was prompted by political motivation and personal vendetta because Dr. Asam ran as a circuit judge candidate as the first woman in Tuscaloosa County, Alabama, in 1992; furthermore, a letter was accidently produced with some other documents ordered by Ms. Devereaux for Mr. Norris to produce on Feb. 23, 1995 at the Disciplinary hearing, and this letter signed by Norris had the following statement before Norris wrote the five fabricated formal complaints to wrongfully disbar Asam, and this letter states, dated April 18, 1994, "I should caution you that this inquiry is confidential including our intent to file a petition to place Ms. Asam on **disability inactive status".**

III. Whether the Supreme Court of Alabama by affirming the lower court summary judgment who failed to rule as a matter of law on the constitutional issues stated above and incorporated into this issue as if re-written that all the above constitutional violations did trigger the civil rights violations against Dr. Asam?

IV. Whether no immunity for Norris and Alabama State Bar because of constitutional violations as stated in Petition?

V. Whether the Alabama State Bar should be severed from Supreme Court of Alabama because there is no chance for fair and impartial appellate review of lawyer wrongfully disbarred, especially prompted by political motivations, as happened in the instant related case 1950912, Asam v. Alabama State Bar, when Justice Jones wrote in his opinion that he [Jones] had read the record and there was no Answer and cited the law to deemed admitted the alleged charges against Dr. Asam when in reality the Answer was stolen from the official Supreme Court of Alabama confidential file, when the index states on p. 1421 that the Answer was R-1 and Asam timely filed a 26-page answer denying all charges with attached documents known as R-2 on p. 1421 of the index to the official record of 1950912 i.e. there was a judicial crime commited at the Supreme Court of Alabama and the Attorney General Jeff

Sessions had failed to investigate what happened and the assistant attorney general, Jeff Long was writing to have the case on this stealing, now 96-6596 in U.S. Court of Appeals, 11th Circuit, dismissed.

Jeffery H. Long, Assistant Attorney General, on stationery of Office of the Attorney General, Jeff Sessions, wrote on March 13, 1996, a letter to Hon. U.W. Clemon, United States District Judge, Northern District of Alabama and stated, ..."I am filing now entitled "Defendants'Request for Order to Show Cause. [instead of answering the complaint about the Alabama Supreme Court stealing Asam's 26-page answer from the case 1950912 in the Asam v. Alabama State Bar case to cover-up the wrongdoings of the Alabama State Bar in the wrongful disbarment of Dr. Asam by the Alabama State Bar, Norris, pretending Dr. Asam is mentally incompetent when she has never been mentally incapacitated i.e. the Attorney General's office Jeffery Long was pretending that case Asam v. Owens, et al. now 96-6596 in the U.S. Court of Appeals, 11th Circuit] by Long stating "I respectfully submit that this case does not merit the expenditure of any more federal judicial resources and suggest the Plaintiff, a former lawyer, be required to make new, previously unlitigated, allegations." [Asam did present new actual facts that the Supreme Court of Alabama through someone inside stole Dr. Asam 26-page Answer so that on p. 13

of the Opinion of 1950912, Justice Jones claimed there was no Answer [26-page Answer] after reading the record and deemed all the alleged charges against Asam admitted, when Asam in the Answer, known as R-1 in index of the official record p. 1421, denied all charges-- Why did the Attorney General's office not investigate the judicial crime at the Supreme Court of Alabama and commit a fraud in this letter March 13, 1996 because Asam did present new facts proved by the opinion of the Supreme Court of Alabama p. 13, and p. 1421 of the index of said record that there was a robbery of the record to cover-up and in this letter dated March 13, 1996, Jeffery H. Long was creating propaganda to avoid the duty of the Attorney General to investigate criminal acts at the state level? Shortly, after the March 13, 1996 letter, the Hon. U.W. Clemon recused himself from the case that was known as Asam v. Owens, et al. CV 96 C[now N] 0589-W in U.S. District Court, District Court of Alabama. This Asam v. Norris et al case should be reviewed since there was no fair and impartial appellate review at the state level which wrongfully deemed admitted the alleged charges against Dr. Asam in the wrongful disbarment by the Alabama State Bar, Disciplinary Board, Panel II, which was disbaring Dr. Asam as mentally incompetent, and/or mentally incapacitated without a M.D. medical expert to examine and declare Dr. Asam incompetent, without notice of a sanity hearing and without

the Alabama State Bar appointing an attorney and without Alabama State Bar appointing a guardian ad litem, all prompted by political motivation precipitated by Norris and his evil-minded lawyer friends [see 96-478 brief].

VI. The threshold issue is that the Supreme Court of Alabama which is the same Supreme Court of Alabama in case 1950912, Asam v. Alabama State Bar, is again failing to fairly review the wrongful disbarment of Dr. Asam because the Supreme Court of Alabama is using state law* as an excuse to affirm without writing an opinion or properly reviewing as an appellate court, because the highest court of the state of Alabama, is sweeping this instant case, Asam v. Norris et al. under the rug when Norris clearly violated Dr. Asam's constitutional rights by conducting a "surprised sanity hearing" under the disguise of a Disciplinary hearing in which Norris pretended Dr.Asam was mentally incompetent and because she incompetent, this is misconduct to disbar in all 5 formal complaints fabricated by Norris [not known fabricated until the hearing Feb. 23, 1995, when Devereaux ordered Norris to produce the original complaints which showed no relationship to his writing of the 5 formal complaints to wrongfully disbar Asam as mentally incompetent prompted by

*Alabama Rules of Appellate Procedure, Rule 53 (a)(1) and (a)(2)(E); see Appendix for rule.

political motivation when Norris failed to give notice of a sanity hearing to Asam, failed to appoint Asam an attorney, failed to appoint a guardian ad litem in a sanity hearing, and failed to have present at the sanity hearing a M.D. psychiatrist to examine and declare Asam mentally incompetent, instead, Norris and Devereaux, with no medical background illegally took the liberty rights of Dr. Asam without due process, both procedurally and substantively, and clearly violated the constitutional rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution and triggered the civil rights violations against Dr. Asam under 42 U.S.C. § 1983.

VII. Whether the state law Rule 53(a)(1) and (a(2)(E), Ala. R. App. P., infringes upon the constitutional rights of Dr. Asam to have an impartial review of her instant lawsuit,Asam v. Norris et al, when the Supreme Court certainily abused the laws of the state of Alabama by evaporating the Answer filed by Asam in case 1950912, Asam v. Alabama State Bar, so that the Justice Jones, stated he had read the record and since no answer seen he cited the law to deem admitted all charges against Asam when Asam in her Answer - 26 pages had denied all charges; therefore, the Supreme Court of Alabama clearly abused Rule 53(a)

(1) and a(2)(E) as an excuse to not review the instant case.

VIII.Whether Mr. Norris was involved in conspiracy with evil-minded lawyers and Norris did violate 42 U.S.C. § 1985 equal protection of the law under the 14th amendment to the U.S. Constitution.

Norris committed a miscarriage of justice against Dr. Asam by railroading his fabricated formal complaints under the disguise of pretending that Dr. Asam had violated professional code rules and she violated no rules and Norris grossly abused rules.

Norris' political motive was to defame Dr. Asam as a political candidate because Asam was the first woman to run as a circuit judge candidate in Tuscaloosa County, Alabama in 1992.

LIST OF PARTIES

The caption of the case contains the names of all parties.

STATEMENT REGARDING ORAL ARGUMENT AND REQUEST TO WRITE MERITS' BRIEF

Because of complexities, irregularities and numerous judicial errors made in the lower court, oral argument is requested so that the Honorable Justices can understand and ask questions.

The Appellant/Petitioner respectfully requests to write the Merits' Brief.

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I. The Supreme Court of Alabama violated the due process, both procedurally and substantively, and liberty rights under the 5th and 14th Amendments to the U.S. Constitution thus triggering 42 U.S.C. § 1983 civil rights claims when affirming the summary judgment below when Judge Gordon failed to rule according to law.

II. Supreme Court of Alabama violated Dr. Asam's due process rights by affirming the summary judgment when Norris also violated the equal protection under the law because of gender discrimination.

III. Dr. Asam's civil rights were violated as shown above in Norris, Alabama State Bar, and Supreme Court of Alabama violating Dr. Asam's constitutional rights.

IV. There is no immunity for Norris and the Alabama State Bar because of constitutional violations.

V. No fair and impartial trial because the Alabama State Bar is arm of Supreme Court of Alabama and this connection should be severed.

VI. The Supreme Court of Alabama failed to rule fairly and properly since court used a state procedural law Rule 53(a)(1) and a(2)(E) to sweep the instant case under the rug and the Supreme Court of Alabama wrote no opinion and made no appellate review claiming appeal for summary judgment in record but in instant case there was no hearing and no record to support the Motion for Summary Judgment by Defendants since Norris had no M.D. psychiatrist to declare Dr. Asam mentally incompetent and for the Alabama State Bar to declare a lawyer mentally incompetent without a medical examination is illegal.

VII. The state law, Rule 53(a)(1) and a(2)(E), Ala. R. App. P., infringes upon the constitutional rights of Dr. Asam to have an impartial

review of the instant case, Asam v. Norris. VIII. Norris was involved in conspiracy with evil-minded lawyers and Norris did violate the 42 U.S.C. § 1985 equal protection of the law under the 14th amendment to the U.S. Constitution.

CONCLUSION 30

APPENDIX

Appendix A

IN THE SUPREME COURT OF ALABAMA

October 11, 1996, 1951232, Affirmed

No opinion A1

Appendix B

IN THE SUPREME COURT OF ALABAMA

November 22, 1996, 1951232, Rehearing overruled. A1

Appendix C Alabama Rules of Appellate Procedure Rule 53, Opinions and "no Opinion" cases of Supreme Court Rule 53:(a)(1) and a(2)(E) A2

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Julia McCain Lampkin Asam, Ph.D., J.D.
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Robert W. Norris, officially
and individually, Alabama
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Respondents

Writ of Certiorari from the
Supreme Court of Alabama

WRIT OF CERTIORARI

OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C Section 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides in pertinent part:

AMENDMENT V

No person shall... be deprived of life, liberty, or property, without due process of law;...

AMENDMENT XIV. SECTION I

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL STATUTES

42 U.S.C. Section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, usage, or any State or Territory, subjects, or causes to be subjected, any citizen of

the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities acccured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

"3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usuage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. Section 2108

"The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree or order of court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

STATEMENT OF THE CASE

I. STATEMENT OF THE FACTS

It was discovered General Counsel of the Alabama State Bar, Robert Norris was actively himself involved in illegally disbarring Dr. Asam prompted by political motivation since Norris used two political cases as a basis for fabricating trumped-up charges of alleged professional misconduct based on no probable cause when Norris wrote his five (5) formal complaints stating that Dr. Asam was incompetent and because she is incompetent this is misconduct for disbarment. Mr. Norris conducted a trial Feb. 23,24, as prosecutor for the Disciplinary Board where he had Dr. Asam guilty before the trial as mentally incompetent and Norris gave no notice of surprise sanity hearing, provided no appointed attorney for Asam, and failed to have an expert witness as a M.D. Psychiatrist.

The instant case is prompted by political motivation of evil-minded male lawyers who were either opposing lawyers and/or lawyers representing or supporting political opponents of Dr. Asam in her judgship campaigns including the fact Dr. Asam was the first woman to run as a circuit judge candidate in 1992 in Tuscaloosa County, and again in 1994.

Norris by affirming the lower trial court has failed to rule according to the U.S. Constitution, 5th and 14th amendments as to due process, liberty rights, and equal protection under the law.

The Alabama State Bar through its agent, Robert Norris, General Counsel, [now resigned] violated the civil rights [42 U.S.C. § 1983] and violated the equal protection under the law [42 U.S.C. § 1985].

Robert Norris, acting under color of state law as general counsel for the Alabama State Bar that is an arm of the Supreme Court of Alabama which is part of the Judiciary Department of the State of Alabama and

Norris was

orchestrating gender animus to discriminate against Dr. Asam, prompted by political motivation when Norris wrote in a letter dated April 18, 1994, "...I should caution you that this inquiry is confidential including our intent [Emphasis added.] to file a petition to place Ms. Asam on disability inactive status." and this statement by Norris was before Norris wrote his 5 formal fabricated complaints, not based on any original complaint, to have Dr. Asam disbarred as "mentally incompetent" without notice of surprised sanity hearing, without

appointing an attorney for Asam, and without having a M.D. psychiatrist as expert witness at the Alabama State Bar Disciplinary Hearing, Feb. 23,24, 1995, -- bottom line was a state actor,Robert Norris by showing gender animus with other evil-minded lawyers and judges [also state actors] discriminating against Dr. Asam, because she was a woman and Dr. Asam was the first woman to run as a circuit judge candidate in Tuscaloosa County, Alabama, in 1992, and she ran again as a circuit judge candidate in 1994, and thus, gender animus as discrimination against women.

Ms. Devereaux in an order denying Motion to Compel Mr. Robert Norris to produce the original complaints for which he made his false charges that Dr. Asam was "incompetent",

Alabama State Bar has violated the American for Disabilities Act by taking Dr. Asam's attorney's license pretending Dr. Asam was mentally incompetent prompted by political motivation i.e. Robert Norris, General Counsel, now resigned) for the Alabama State Bar knowingly was himself gender discriminating against Dr. Asam as later was proven by letter signed by Norris that Norris was himself participating in the gender discrimination with other lawyers,

Ellis, Gill, Drake and others in pretending Dr. Asam was mentally incompetent to put her out of business as a lawyer because Dr. Asam ran as the first woman candidate for circuit judge in 1992 in Tuscaloosa County. i.e. Robert Norris of Alabama State Bar acting under color of state law, perpetrated a Bald face lie on the integrity of the judicial system since Dr. Asam has a B.S., M.S., Ph.D. and J.D. and it was criminal by Norris to pretend Dr. Asam was mentally incompetent as a reason to disbar her when the wrongful disbarment of Asam was prompted by political motivation and gender animus discrimination including the Alabama State Bar general counsel, Robert Norris, now resigned.

Gender animus by a group of rotten lawyers has mushroomed to point that it is no longer safe for Dr. Asam to live in Alabama where she was born in Tuscaloosa, Alabama because of terrorism acts such as bomb threats and chasing her on the highway and attempting to cause an accident by unknowned vehicles parked on the side of interstates trying to jump out in front of her car, which has happened more than once but because Asam is alert to this kind of activity or she would not have lived to write this Writ for Certiorari. Asam has been chased by different types of vehicles at different

places in U.S. and some of these vehicles have attempted to cause an accident -- this is a new type of terrorism in U.S. Who is paying to have Asam followed in Alabama and other states?

Alabama State Bar should be severed from the Supreme Court of Alabama to be held accountable for illegal and unconstitutional acts that are unAmerican and in violation of the American for Disabilities Act in this instant case by the Alabama State Bar pretending Dr. Asam who has a Ph.D., and J.D. lacks mental capacity when she has never been incompetent because lawyers, not clients, are falsely claiming Asam is incompetent to put her out of business as a lawyer because these particular lawyers are politically oriented to opponents of Asam, and/or opposing lawyers. One opposing lawyer, Robert Blair, was representing M. Norris, whom Asam had sued in representative capacity, and Robert Norris is the one who wrote the fabricated 5 formal complaints not based on probable cause pretending Dr. Asam was incompetent.

No immunity since all were involved in violation of the constitutional rights of Dr. Julia Asam as to gender animus discrimination under the 14th amendment to the U.S. Constitution and due process and

liberty rights violations under the 5th and 14th amendments to the U.S. Constitution and see law that there is no immunity when constitutional violations in Reasons for granting Writ of Certiorari.

Norris, general counsel, [now resigned] for Alabama State Bar REFUSED to produce the original alleged grievance complaints before the Disciplinary Hearing which is a prima facie violation of the due process constitutional rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution.

Prompted by political motivation and gender animus discriminatory motive of Robert Norris from the Alabama State Bar had Dr. Asam disbarred as "mentally incompetent" without a fair trial and was working with opposing lawyers of Asam and political opponents [judges] of Asam.

All of Norris' formal charges, were prompted by political, vendetta, and gender animus discriminatory motives since Norris was a friend of Richard Gill who was the one who reported 94-177 which Asam has never seen and Gill was the lawyer for Judge Bernard Harwood in the case Asam v. Harwood which was filed because Harwood was using foul play by claiming he was the "only" qualified candidate when Asam was the Democratic Nominee and Harwood was the Republican

Nominee for the same judgship in 1992 when Dr. Asam was the first woman to be a circuit judge candidate in Tuscaloosa County, Alabama. Two of the cases were political cases that the Alabama State Bar used against Asam Asam v. Harwood, and Asam v. Vreeland, about a SMEAR letter, in which Vreeland wrote knowingly false statement that Dr. Asam was "completely and hopelessly unqualified". Richard Gill changed the word "unqualified" to "incompetent" and published the "incompetent" altered quote to the U.S. Court of Appeals, Eleventh Circuit, in his Appellee Brief for the Asam v. Harwood case.

Asam incorporates all facts stated in this Petition including Questions Presented and Statement of Facts into this Reasons for Granting Writ of Certiorari.

Supreme Court of Alabama in an inside removal of confidential files, 26 -page Answer disappeared so that the Justice could deem the alleged charges against Asam as admitted because Justice Jones claimed he saw no answer in the official record, but in contradistinction p. 1421 of the record contained an index showing that the 26-page answer by Asam was R-1 of the exhibits and this was altering the record so that the Supreme Court affirmed the Disciplinary Board disbarring Asam as mentally incompetent, clearly, an illegal act by the Supreme Court

of Alabama and now is on appeal in the U.S. Court of Appeals, 11th Circuit as 96-6596,] General CounselAlabama State Bar has tried to escape the fact it was a "SURPRISED SANITY HEARING" on Feb. 23,24, 1995, Disciplinary hearing, and the Disciplinary Board ruled that Asam would have to see a medical expert as to mental competency before she could be reinstated [Disbarment last for 5 years] and in the instant case is also age discrimination since Asam is now 66 years of age. Because of political and gender animus discrimination against Dr. Asam. Norris used the Asam v. Harwood and Asam v. Vreeland case to write trumped-up alleged violation of professional misconduct in which Norris stated since Asam was incompetent and incompetence is misconduct, Mr. Norris wrongfully disbarred Dr. Asam in a surprised sanity hearing in which Norris of Alabama State Bar, which is arm of the Supreme Court of Alabama [Worley v. Alabama State Bar, 572 So. 2d 1239, 1242, (Ala. 1990)], Department of Judiciary of State of Alabama, clearly was acting under color of state law when Norris failed to notice Asam, she was to have a surprise sanity hearing under disguise of disciplinary hearing without Norris appointing an attorney and without Norris having an expert witness as a M.D. Psychiatrist to declare Dr. Asam as mentally incompetent.

The Alabama State Bar through Robert Norris refused to give Dr. Asam original complaints that the Alabama State Bar claims were used to write formal charges without probable cause since the ALABAMA STATE BAR FAILED to check out the truth and the Alabama State Bar has arbitrarily and capriciously violated the due process rights of Dr. Asam to have all the evidence against her as to who, and why, and what she has done in an alleged original complaint and not a laundered copy in the formal charges without probable cause against Asam.

One of the main issues in this instant case is that Dr. Asam's due process rights under the 5th and 14th amendments to the U.S. Constitution have been violated by the Alabama State Bar, through general counsel, Robert W. Norris, [now resigned], by Mr. Norris refusing to give original complaints for all of the five (5) written formal charges wihout probable cause and containing unsubstantiated facts to discipline Dr. Asam based primarily on the political case, Asam v Vreeland and precipitated by the false statements made by Mr. Ellis under the direction of Judge England, [opposing 1994 candidate for the same judgship, place #2 for which Dr. Asam was also a candidate for the same judgship, place #2 in the 1994 Democratic primary in Tuscaloosa County,

The Alabama State Bar was trying to persecute Dr. Asam based on lies from politlcal opponents and their lawyer supporters just because she was a woman running as a candidate for circuit judge.

Robert Norris is a retired general from the U.S. armed forces and conducted his Disciplinary hearing like a court martial and was already holding Asam guilty of being mentally incompetent without notice of a sanity hearing and without appointing an attorney and without a M.D. psychiatrist expert to declare Asam as mentally incompetent.

Anthony McLain, now general counsel of the Alabama State Bar never has checked out the truth since McLain has acquiesced to the Bald face lies of Norris who is a crook for robbing Dr. Asam of her rights to practice law in Alabama because of gender animus discrimination because she was a woman and Norris wrongfully disbarred Asam because of Norris himself, participating in the gender animus which was prompted by political motivation of the named Defendants to get rid of Asam. Jack Drake offered Dr. Asam a bribe to get off the Asam v. Harwood, campaign in 1992 when Asam was the Democratic nominee. Asam did not accept his bribe. This was published in the Tuscaloosa News.

The Alabama State Bar through Robert Norris refused to give Dr. Asam original complaints that the Alabama State Bar claims were used to write formal charges without probable cause since the ALABAMA STATE BAR FAILED to check out the truth and the Alabama State Bar has arbitrarily and capriciously violated the due process rights of Dr. Asam to have all the evidence against her as to who, and why, and what she has done in an alleged original complaint instead of laundered copy in the formal charges without probable cause against Asam.

Dr. Asam's due process rights under the 5th and 14th amendments to the U.S. Constitution have been violated by the Alabama State Bar, through general counsel, Robert W. Norris, [now resigned], by Mr. Norris refusing to give original complaints.

II. PROCEEDINGS IN THE COURTS BELOW

The Complaint was filed July 10, 1995. Judge Gordon granted Summary Judgment without a hearing and without granting Motion to compel discovery in violation of Rule 56, Alabama Rules of Civil Procedure when there was no record to support the Motion for Summary Judgement for Norris et al. as to the true issues in the instant case, i.e. there is not a shred of evidence to prove Dr. Asam was mentally incompetent since Norris failed to have a M.D. psychiatrist to declare Asam incompetent which is the excuse that Norris

used to wrongfully and illegally disbar Asam.The summary judgment for defendants was March 6, 1996 and the Motion alter, amend, or vacate the judgment was denied April 8, 1996.

The Supreme Court of Alabama affirmed the lower court citing the flimsy and unconstitutional state procedural rule for no opinion and in this case no review, Alabama Rules of Appellate Procedure, Rule 53(a)(1) and (a)(2)(E) quoted in Appendix because there was no record since no hearing and no substantial evidence presented by Defendants when Asam had presented substantial evidence as exhibits especially the June 30, 1994 letter by Norris refusing to produce the original complaints before the Alabama State bar Disciplinary Hearing which was only a disguise for a "surprise sanity hearing" without notice, without appointing an attorney, without appointing a guardian ad litem and especially because Norris failed to have a M.D. psychiatrist declare Dr. Asam incompetent before Norris disbarred Asam as mentally incompetent which is proven since the order of disbarment stated a professional would have to be appointed by Disciplinary board to declare Asam competent before she could make reapplication as a member of the bar to practice law and in the instant case disbarment is 5 years, and this is age discrimination to Asam who is 66 this month, February 27, 1997.

REASONS FOR GRANTING WRIT OF CERTIORARI

QUESTIONS PRESENTED NUMBERS I, II, III, V, AND VI ARE DISCUSSED IN THIS SECTION AND THE FACTS PRESENTED ABOVE ARE INCORPORATED INTO THIS REASONS FOR GRANTING WRIT OF CERTIORARI AS IF RE-WRITTEN AND THE LAW ON DUE PROCESS, BOTH PROCEDURALLY AND SUBSTANTIVELY, AS WELL AS LIBERTY RIGHTS UNDER THE 5TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION, TRIGGERING THE 42 U.S.C. § 1983 CIVIL RIGHTS CLAIMS.

Norris, general counsel, [now resigned] for Alabama State Bar **REFUSED** to produce the original alleged grievance complaints before the Disciplinary Hearing which is a prima facie violation of the due process constitutional rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution.

See Jones v. Alabama State Docks, 443 So. 2d 902 at 903 (Ala. 1983), which states, "Due process clause of State Constitution secures every citizen against arbitrary action of those in authority and places him or her within protection of law of the land. Const. § 13.

See Velger v. Cawley, 525 F. 2d 334 (2nd Cir. 1975) on due process.

See McCrary v. State, 429 So. 2d 1121, cert. denied 104 S. Ct. 273, 464 U.S. 913, 78 L. Ed 2d 254 (1982), which held that although state may create strict liability offenses, power to do so is limited by

constitutional command that no person can be deprived of life, liberty or property except by due process of law.

See U.S. v. Welden, 568 F Supp. 516, affirmed in part, reversed in part, U.S. v. Satterfield, 743 F. 2d 827, on remand U.S. v. Allison, 599 Supp. 958, cert. denied 105 S. Ct 2362,- three cases, 471 U.S. 1117, 86 L. Ed 2d 262, which held to meet requirements of "due process" and "equal protection" a statute must not subject an individual to arbitrary or uneven exercises of power, and further stated that Test of "due process" is essentially a test of fairness and reasonableness; furthermore, there must always be ascertainable standards.

See Bradley v. Pittsburgh Bd. of Education, 913 F. 2d 1064, [U.S. Court of Appeals, 3rd Cir., 1990], which held Party was denied full and fair opportunity to litigate only when state procedures fall below minimum requirements of due process as defined by federal law U.S.C.A. Const. Amend. 14". See Davis v. Alabama State University,613 F. Supp. 134, D.C. Ala. 1985, which held that essence of due process is notice and opportunity for hearing appropriate to nature of case.

See Dirt, Inc. v. Mobile County Com'n, 739 F. 2d 1562, (Ala. 1984), which held that due process requires notice reasonably

calculated, under all circumstances to apprise interested parties of pendency of action and aford them an opportunity to present their objections."

See Goss v. Lopez, 95 S. Ct 729 (1975), which held that Due process clause forbids arbitrary deprivations of liberty. U.S.C.A. Const. Amend. 14.

See Paul v. Davis, 424 U.S. 645, 96 S Ct 1154, 47 L. Ed 366 (1976), held the civil rights act of 1871; (42 U.S.C.A., section 1983) does not create substantive rights, but provides express federal remedy against state officials for deprivation of rights established elsewhere in federal law. See Samuels v. District of Columbia, 770 F. 2d 184, C.A.D.C., 1983.

See Monell v. New York City Dept. of Soc. Serv.436 U.S. 68, 56 L. Ed 2d 611, 98 S ct 2018, which states,

Civil Rights section 12.5 -- inability for violations -- State-law immunities 11a, 11b. State law immunities do not override cause of action under 42 U.S.C.S. section 1983, which imposes civil liability on any person who deprives another of his federally protected rights."

See DeStafney v. University of Alabama, 413 So. 2d 391 (Ala. 1981), at 395 which states, "Section 14 does not necessarily immunize State officers or agents from individual civil liability."

See Federal statute 42 U.S.C. § 1983 quoted above.

See book Section 1983 Litigation, Claims, Defenses, Fees, M.A. Schwartz, John E. Kirklin, John Wiley & Sons, 1986, on p. 101, states, "§5.9 Tests to Determine State Action -- In General... The Court did state that to find state action, two general requirements must be fulfilled. First, "the deprivation must be caused by the exercise of some right or privilege created by the state or by a person for whom the state is responsible. [See Lugar v. Edmondson Oil Co., 457 U.S. 922, 937, (1982).] Second, the defendant "must fairly be said to be a state actor. [See Lugar case'] See Monroe v. Pape, 365 U.S. 167, 172 (1961) "The Two principles "collapse into each other when the claim of a constitutional deprivation is directed against a party whose official character is such as to lend the weight of the state to his decisions." In this instant case, Ms. Devereaux is a state actor for the Alabama State Bar Disciplinary Board, and the Alabama State Bar is an arm of the Supreme Court of Alabama [See Worley supra] and the Supreme Court of Alabama is part of the Department of the Judiciary of the state of Alabama.

Julian v. New York City Transit Authority, 857 F. Supp. 242, E.D.N.Y. 1994, Section 1983 does not, in itself create substantive rights; to prevail, plaintiff must demonstrate violation of independent federal constitutional or statutory right. 42 U.S.C.A. section 1983.

This case of wrongful disbarment should be reversed created by gender animus discrimination including Norris, General Counsel, [now resigned[Alabama State Bar.

See Crawford v. Houston, (1974, S.D. Tex) 386 F Supp. 187 which held that 42 U.S.C.S §1985 presents fact question. Therefore, the summary judgment should be reversed as to gender animus discrimination so that a jury can determine the facts.

Willington v. District of Columbia, 851 Supp. 1. D.D.C. 1994 held District of Columbia and its officials sued in their official capacities were "persons for purposes of section 1983. 42 U.S.C.A. section 1983.

Novak v. Cobb County-Kennedone Hospital Authority, 849 F. Supp. N.D. Ga. 1994, held state court judge is state actor for purposes of federal civil rights statute. 42 U.S.C.A section 1983.

Carroll v. Borough of State College, 854 F. Supp. 1184, M.D. Pa. 1994. To prevail on cause of motion under section 1983. Plaintiff

must prove that conduct of state actor deprived plaintiff of right, privilege, or immunity secured by federal constitution of law.

Prompted by political motivation and gender animus discriminatory motive of Robert Norris from the Alabama State Bar had Dr. Asam disbarred as "mentally incompetent" without a fair trial

See Midnight Sessions, Ltd. v. City of Philadelphia, 945 F. 2d 667,683 (3rd Cir.), cert denied, 112 S Ct. 1668 (1991); Bello v. Walker, 840 F. 2d 1124 (3rd Cir.), cert denied, 4488 U.S. 851 cert. denied, 488 U.S. 868 (1988); Marks v. City of Chesapeake, 883 F. 2d 308, 311 (4th Cir. 1989).

Response to Question Presented Number IV on immunity.

NO IMMUNITY BECAUSE OF THE CONSTITUTIONAL VIOLATIONS STATED IN THIS WRIT OF CERTIORARI

See Paxman v. Campbell, 612 F. 2d 848 (4th Cir. 1980),
which held that there is no immunity for an official "if he knew or reasonably should have known that the action he took within the sphere of official responsibility would violate the constitutional rights of the (person) affected..."

See Meeker v. Addison, 586 F. Supp. 216 (1983) which held an individual officer may be held liable for damages for conduct that has deprived a person of his constutional rights.

Constitutional violations of due process is an exception to immunity alleged by state officials. See Lesiter v. Alabama A&M University, 28 F 3d 1146 (11th Cir. 1994).

By Norris taking the liberty rights of Asam in disbarring her as "mentally incompetent" is taking her liberty rights as well as violating her substantive due process as well as procedural due process since Norris failed to give notice of a surprised sanity hearing, failed to appoint an attorney when taking Asam's constitutional rights, and pretending she was mentally incompetent prompted by political motivation, and Norris failed to have an expert witness M.D. psychiatrist to declare Dr. Asam mentally incompetent. Response to Question Presented Number VII on state law Rule 53 (a)(1) and (a)(2)(E)of R.A.APP. P. infringing on constitutional rights of Dr. Asam. See above for rights.]

SUPREME COURT OF ALABAMA by affirming without reviewing the merits and writing no opinion and doing nothing citing 53(a)(1) and (a)(2)(E), A. R. App. P. which are unconstitutional in

this instant case since Dr.Asam's rights to life and liberty rights have been infringed upon so that her due process has been violated, both as to substantive and procedural and Dr. Asam's contitutional rights under the 5th and 14th amendments to the U.S. Constitution have triggered the 42 U.S.C. § 1983 civil rights claims by a state.

See Horwitt v. Horwitt, D.C. Conn. 1950, 90 F. Supp. 529.

"United States supreme Court may review directly the decision of the highest state courts on the constitutionality, under the Federal Constitution, of state statutes,"

See Standard Oil Co. v. Graves. Wash. 1919, 49 S Ct 320, 269 U.S. 389, 63 L. Ed 662, which states,

"While the Supreme court follows the decision of the highest state court as to the meaning of a state statute which asserted to violate the Federal Constitution, the name given to the statute is not conclusive, and it must be judged by its necessary effect, and if that is to violate the Constitution of the United States the law must be declared void. (Emphasis added.)

Response to Question Presented Number VIII WHETHER CONSPIRACY UNDER 42 U.S.C. § 1985, when Norris who at the time was General Counsel for Alabama State Bar, and then Norris resigned after writing the 5 fabricated formal complaints against Dr. Asam.

Robert Norris's own letter that slipped through on production at the hearing showed that Norris had the intention of reducing Asam to **"disability inactive status"** before any of the disbarment papers were received by Asam i.e. Norris was also participating in the political conspiracy prompted by political motivation to disbar Asam by a group of evil-minded lawyers who did not like that Dr. Asam was the first woman to be a circuit judge candidate in 1992 in Tuscaloosa County, Alabama.

See Chambers v. Onoha Girls Club (1986, DC Neb) 629 F Supp. 925.

"There are four elements that must be established in order to prove conspiracy:
(1) that Defendant's had agreement with at least one other person and participated or caused something to be done in furtherance of agreement. [Defendants named].
(2) that agreement was to deprive plaintiff of protected right [attorneys license of Asam].
(3) that defendant(s) were motivated by dislike or hateful attitude towards specific class of people and Plaintiff was a member of that class. [Gender animus against Dr. Asam].
(4) that conspiracy caused deprivation or injury to plaintiff." n 60 Requirement of Conspiracy, 42 USCS § 1985. [wrongful disbarment].

See Santiago v. Philadelphia, (1977, ED Pa) 435 F. Supp. 136."Conspiracy in context of 42 U.S.C.S. § 1985(3) means co-conspirators must have agreed, at least tacitly, to commit acts which will deprive plaintiff of equal protection of law.
See Dickerson v.U.S. Steel Corp. (1977, Ed Pa) 439 F. Supp. 55."Second most important element of cause of action under 42 U.S.C.S. § 1985 (3) after intent [Emphasis added.] [Also note p.iithis petition that Norris in his letter used word intent to place Asam on DISABILITY INACTIVE STATUS, [P. ii, quote from Norris "disability inactive status"], is proof of conspiracy; of party has potential to stop illegal activity but fails to act to do so, [Norris stated "our intent" and Norris was in position as general counsel of the Alabama State Bar to stop the illegal activity of the evil-minded lawyers showing gender animus and discrimination against Asam to have her wrongfully disbarred] then that party may be said to have impliedly conspired in such illegalities.

Isajewicz v. Bucks County Dept. of Communications, 851 F. Supp. 161, E.D. Pa 1994 held in order to succeed in section 1983 action, plaintiff must prove that conduct complained of was committed by person acting under color of state law and that conduct deprived plaintiff of right or privilege secured by Constitution or law of United States. 42 U.S.C.A. section 1983.

Norris was acting under color of state law for Alabama State Bar and deprived Dr. Asam of her constitutional rights [see above] and deprived Dr. Asam of her civil rights under 42 U.S.C.A. § 1983. See Isajewitcz v. Bucks Dept. of Communications, 851 F. Supp. 161, E.D. Pa 1994.

Worley v. Alabama State Bar, 572 So. 2d 1239, 1242, (Ala. 1990). Alabama State Bar which is the arm of the Supreme Court of Alabama, part of the Department of the Judiciary of the State of Alabama can take the property rights of Dr. Asam to practice law due to the illegal activity of members of the "machine" and including Robert Norris, general counsel, of the Alabama State Bar, pretending Dr. Asam was mentally incompetent because of gender animus between judges and lawyers prompted by political motivation can have a hearing, [Disciplinary hearing, Feb.23, 24, 1885, and give no notice of sanity hearing, without appointing an attorney and without having a medical expert such as M.D. psychiatrist.

Carper v. Deland, 851 F. Supp. 1506, D. Utah 1994, held in order to prevail on section 1983 claims, plaintiff must show that defendant personally participated in alleged deprivation of protected rights.

The instant case is prompted by political motivation of evil-minded male lawyers who were either opposing lawyers and/or lawyers representing or supporting political opponents of Dr. Asam in her judgship campaigns including the fact Dr. Asam was the first woman to run as a circuit judge candidate in 1992 in Tuscaloosa County, and again in 1994.

Clearly, there were many disputed facts as to the involvement of the Alabama State Bar, R.Norris in the conspiracy with evil-minded lawyers who are named in 96-478 which was filed in this Honorable Court, and as a matter of law Judge Gordon failed to rule according to law in his summary judgment which should be reversed; furthermore, the Supreme Court of Alabama compounded the violations against Dr. Asam by failing to have an appellate review or opinion. See the elements of summary judgment cited in the Booth case.

See Booth v. United Serv. Auto Assoc.
469 So. 2d 1281 (Ala. 1985)
which states,
"To grant summary judgment, trial court must find that there is no genuine issue of material fact and that movant is entitled to judgment as matter of law. Rules Civ. Proc. Rule 56."

In the instant case the appeal is from a summary judgment because the lower court, Judge Gordon, failed to rule accord to law when

disputed facts to whether Norris violated Dr. Asam's due process and civil rights by Norris taking Asam's liberty rights to practive law pretending Dr. Asam was mentally incompetent at a "surprised sanity hearing" disguised as a Disciplinary Hearing without a M.D. psychiatrist, i.e. Norris had NO professional M.D. psychiatrist to declare that Asam was incompetent, and Norris illegally wrongfully disbarred Asam as mentally incompetent based on political motivation. vendetta and gender discrimination.

The only hard evidence in the case concerning true issue is a letter dated June 30, 1994 by Norris [attached to complaint] refusing to produce the original complaints before hearing which is prima facie violation of Dr. Asam's rights to due process before a hearing to disbar her for alleged violations of professional code of ethics.

The bottom line is judge Gordon and Supreme Court of Alabama by affirming, are hiding behind the Rule 53, Alabama Rules of Appellate Pro-cedure, [53(a)(1)...and (a)(2)(E) should be declared void since this state procedural law is causing the violation of Dr. Asam's constitutional rights to due process and liberty rights under the 5th and 14th amendments to the U.S. Constitution, which triggers the 42 U.S.C. §1983 civil rights claims.

Norris not only actively participated in taking Dr. Asam's liberty rights but Norris created with his evil-minded lawyers' friends,

who were politically oriented to opponents of Asam (Harwood), the fabricated formal complaints. Basically each formal complaint was pretending Dr. Asam was mentally incompetent [Asam has never been incompetent] and Norris stated Dr. Asam was incompetent and this was misconduct to disbar in the 5 complaints fabricated by Norris -
under the disguise of that Asam had violated the professional conduct rules [when Asam violated no ethical rules] and this fraudulent act by Norris is prima facie evidence that Dr. Asam did not have a fair and impartial trial before her liberty rights were taken. Clearly, Asam was wrongfully disbarred because Norris failed to Notice Asam of a "surprised sanity hearing" under disguise of Disciplinary hearing; Norris failed to appoint an attorney at the sanity hearing according to Alabama State Bar policy, Norris failed to appoint a guardian ad litem for Asam; and most of all Norris failed to have a medical expert M.D. psychiatrist to examine Asam and declare her mentally incompetent and/or mentally incapacitated. See record of 1950912 Asam v. Alabama State Bar that NO M.D. pyshiatrist is listed as expert witness.

In the record was a letter dated April 18, 1994, from Norris in which he expressed his intention to wrongfully disbar Asam before the fact that Norris wrote the 5 fabricated complaints and is quoted, "...I should caution you that this inquiry is confidential including our

intent [Emphasis added.] to file a petition to place Ms. Asam on disability inactive status." and letter was signed by Norris.

Norris zeroed in on Asam when lawyers of opponents and lawyers oriented to opponents wrote disparaging remarks or came in person to see Norris as Richard Gill did, lawyer for Harwood, opponent in Asam v. Harwood campaign when Asam was Democratic nominee and Harwood was the Republican nominee. Therefore, there is no doubt about it that Norris together with his "machine" friends formed a conspiracy to disbar Asam because of political motivation since Asam was the first woman circuit judge candidate in Tuscaloosa, County, Alabama in 1992.

Rule 53(a)(1) and a(2)(E) should be declared void as Supreme Court of Alabama has abused their own rules to violate Dr. Asam's consti tutional rights to cover-up for the wrongdoings of the Alabama State Bar, and especially to protect Robert Norris, now resigned when Norris abused the Professional conduct Rules.

CONCLUSION

For the above reasons, this Honorable Supreme Court of the United States should grant Writ of Certiorari.

Respectively submitted,

Julia Asam

Julia Asam, Ph.D.,J.D., Pro Se, Attorney At Law
P.O. Box 591, Northport, Alabama 35476

2/18/97

APPENDIX A

IN THE SUPREME COURT OF ALABAMA

October 11, 1996

1951232

Julia McCain Lampkin Asam

v.

Robert W. Norris, et al.

(Montgomery: CV 95-1484)

NOTICE

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(E). Ala.R.App.P.

Hooper, C.J., Maddox, Almon, Shores, Houston, Kennedy, Cook and Butts, JJ., concur.

s/ Robert G. Esdale

Clerk, Supreme Court of Alabama

APPENDIX B

IN THE SUPREME COURT OF ALABAMA

November 22, 1996

1951232

Julia McCain Lampkin Asam

v.

Robert W. Norris, et al.

(Montgomery: CV-95-1484)

NOTICE

The application for rehearing filed in this cause is overruled. No opinion written on rehearing.

PER CURIAM - Hooper, CJ., Maddox, Almon, Shores, Houston, Kennedy, Cook and Butts, JJ. concur.

I Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court. Witness my hand this 22 day of Nov. 1996. s/Robert G. Esdale
Clerk, Supreme Court of Alabama

APPENDIX C

ALABAMA RULES OF APPELLATE PROCEDURE
Rule 53, OPINIONS AND "NO OPINION" CASES OF THE SUPREME COURT...

(a) Affirmance Without Opinion. The Supreme Court or the Court of Civil Appeals may affirm a judgment or order of a trial court without an opinion if the court determines:

(1) That an opinion in the case would serve no significant precedential purpose; and

(2) That one of the following circumstances exists:...

(E) The appeal is from a summary judgment, a judgment on the pleadings, or a judgment based on a directed verdict, and that judgment is supported by the record: ... [Instant case is appeal from a summary judgment not supported by the record, since no hearing and no evidence presented by defendants on true issues in case].

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate
Writ of Certiorari was sent to Mr. Anthony McLa
Counsel, Alabama State Bar, P.O. Box 671. Montg
36101 this 18 day of February 1997.

Julia A

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n, General

mery, Alabama